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Robert B. Meek JR.

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EXAMINER

SHEIKH, ASFAND M

ART UNIT

PAPER NUMBER

3627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/730,657	Applicant(s) MEEK ET AL.	
	Examiner Asfand Sheikh	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 25 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 25 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/15/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

The examiner notes this is a Supplemental Final Rejection replacing the Final Rejection mailed on 8/3/2010. This Supplemental Final Rejection addresses the correction to the Liff et al. Reference, more specifically correction was made with respect to the Reference No. of Liff et al. (US 6,068,156).

Applicant's arguments, see Amendment After Final, filed 7/19/2010, with respect to the rejection(s) of claim(s) 1 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Renz et al. (US 7,222,786 B2) in view of Frederick (US 6,112,502) and Liff et al. (US 6,068,156).

Official Notice

The examiner notes the applicant has not traversed the Official Notice taken with respect to claims 2, 4, and 28, therefore the subject matter of the Official Notice taken on 9/30/2009 has been noted to be admitted prior art. Further the examiner notes claim 4 includes the current amended subject matter which has required a new Official Notice to be provided.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5, 25, and 28 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1

The examiner notes the amendment to the claim "in response to generating the restocking order, automatically generating a restocking package at the restocking storage location to fulfill the restocking order" causes the claim to be indefinite. The examiner notes the claim recites the limitation "the restocking location" which should be "a restocking location." There is insufficient antecedent basis for this limitation in the claim. Appropriate action is requested.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renz et al. (US 7,222,786 B2) in view of Frederick (US 6,112,502) and Liff et al. (US 6,068,156).

Claim 1

Renz discloses a computer-implemented method (see at least, abstract: the examiner notes software on instructions operable to cause a programmable processor to receive inventory data relating to stock in an inventory), comprising:

generating, via a computing device, data representative of an item bought at a plurality of decentralized locations (see at least, col. 6, lines 6-17: the examiner notes the IEWA receives shelf quantity data from a shelf monitoring program);

transmitting said data representative of the item to a centralized computing system (see at least, col. 6, lines 6-17: the examiner notes the IEWA receives shelf quantity data from a shelf monitoring program);

electronically determining if a first quantity of the item stored at the decentralized location is below a first predetermined level (see at least, col. 6, lines 6-20: the examiner notes when the quantity of items on the shelf reach a certain level the IEWA

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sends a message (e.g. a form or determining quantity of an item is below a predetermined level);

automatically generating a restocking order to restock the item at the decentralized storage location in response to the first quantity of item stored at the decentralized location being below a first predetermined level (see at least, col. 6, lines 6-20: the examiner notes when the quantity of items on the shelf reach a certain level the IEWA sends a message (e.g. a form or determining quantity of an item is below a predetermined level and generating an order));

in response to fulfillment of the restocking order (see at least, col. 6, lines 27-35: the examiner notes a store is able to replenish its shelf with items), electronically determining if a second quantity of the item stored at the restocking storage location is below a second predetermined level (see at least, col. 6, lines 36-46 and col. 6, lines 56-col. 7, lines 14: the examiner notes a restocking storage location (e.g. warehouse) uses a IEWA that once an item is transferred from the warehouse determines when to order additional stock of that item);

automatically generating, a purchase order ordering a third quantity of the item in response to the second quantity of the item stored at the restocking storage location being below the second predetermined level (see at least, col. 6, lines 36-46 and col. 6, lines 56-col. 7, lines 14: the examiner notes a restocking location (e.g. warehouse) uses a IEWA that once an item is transferred from the warehouse determines when to order additional stock (automatically generating an order of quantity) of that item and col. 9,

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lines 17-20: the examiner notes the IEWA (e.g. agent) can tell a manufactory to build more products (e.g. order));

and transmitting the purchase order to a distributor computing system (see at least, (see at least, col. 6, lines 36-46 and col. 6, lines 56-col. 7, lines 14: the examiner notes a restocking location (e.g. warehouse) uses a IEWA that once an item is transferred from the warehouse determines when to order additional stock (automatically generating an order of quantity) of that item and col. 9, lines 17-20: the examiner notes the IEWA (e.g. agent) can tell a manufactory to build more products (e.g. order)).

Renz fails to disclose an item dispensed from one of a plurality decentralized storage locations and in response to generating the restocking order, automatically generating a restocking package at the restocking storage location to fulfill the restocking order.

However Frederick discloses monitoring the inventory of an item dispensed from one of a plurality decentralized storage locations (see at least, abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz's decentralized locations to include monitoring the inventory of an item dispensed from one of a plurality decentralized storage locations as taught by Frederick. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an indication of what items have been used so that supplies may be replenished before depletion (see at least, Frederick, col. 2, lines 25-31).

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However Liff discloses in response to generating the restocking order, automatically generating a restocking package at the restocking storage location to fulfill the restocking order (see at least, col. 12, lines 46-60: the examiner notes an automated drug distribution system for maintaining the inventory at RCD sites and a drug packager who fulfills the stock (e.g. see col. 13, lines 13-18)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz's decentralized locations to include in response to generating the restocking order, automatically generating a restocking package at the restocking storage location to fulfill the restocking order as taught by Liff. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide automated maintaining of inventory to lower costs associated with personal (see at least, Liff, col. 1, lines 13-23).

Claim 3

Renz discloses wherein the centralizing computing system comprises an online data exchange system that transmits the purchase order to the distributor computing system (see at least, FIG. 2 the examiner notes the IEWA transmits data to the planning/execution module which transmits data to the manufacturing facility (e.g. distributor computing system) or the distribution center (e.g. restocking storage location) and col. 3, lines 14-26: the examiner notes computer systems coupled over a network and col. 6, lines 6-col. 7, lines 14).

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Claim 25

Renz discloses decentralized locations fails to disclose wherein the storage location comprises a cabinet.

However Frederick discloses wherein the storage location comprises a cabinet (see at least, FIG. 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz's decentralized locations to include wherein the storage location comprises a cabinet as taught by Frederick. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an indication of what items have been used so that supplies may be replenished before depletion (see at least, Frederick, col. 2, lines 25-31).

Claims 2, 4 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renz et al. (US 7,222,786 B2) in view of Frederick (US 6,112,502) and Liff et al. (US 6,068,156) as applied to claim 1 above, and further in view of Examiner's Official Notice

Claim 2

The examiner notes Renz in view of Frederick and Liff fail to disclose causing display of said purchase order, before transmitting said purchase order to the distribution center.

The examiner takes Official Notice that it is old and well known in the inventory arts to have a manager/supervisor use a computer system that display's an order of

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items needing approval before transmission of the order of items to a seller/warehouse/manufacturer (e.g. manager terminal receives a purchase order for items and then approves the purchase order of items after visually viewing the order).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz in view of Frederick and Liff to include the features as taught by the Examiner's Official Notice. One of ordinary skill in the art would have been motivated to combine the teachings of the Examiner's Official Notice to Renz in view of Frederick in order to provide approval of an order by a managing entity to assure that only the items needed are ordered in order to save on inventory spending costs.

Claim 4 and 28

Renz in view of Frederick and Liff fail to disclose further comprising receiving (a) notification that items in the purchase order have been shipped and (b) barcode information associated with the shipment, wherein the barcode information identifies the items in the purchase order. *With respect to claim 28, the examiner notes Renz discloses receiving, via the distributor computing system, the purchase order from the centralized computing system and automatically assembling the items identified in the purchase order (see at least, FIG. 2 the examiner notes the IEWA transmits data to the planning/execution module which transmits data to the manufacturing facility (e.g. distributor computing system) or the distribution center (e.g. restocking storage location)*

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and col. 3, lines 14-26: the examiner notes computer systems coupled over a network and col. 6, lines 6-col. 7, lines 14)

The examiner takes Official Notice that it is old and well known in the shipping arts to send an email containing notification items have shipped and further allow the bar code information be associated with the shipment and identify items in the purchase order

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz in view of Frederick and Liff to include the features as taught by the Examiner's Official Notice. One of ordinary skill in the art would have been motivated to combine the teachings of the Examiner's Official Notice to Renz in view of Frederick in order to provide a consumer with a simple to use identifier for shipping and inventory management.

Claim 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Renz et al. (US 7,222,786 B2) in view of Frederick (US 6,112,502) and Liff et al. (US 6,068,156) and Examiner's Official Notice as applied to claim 4 above, and further in view of Lester et al. (US 6,021,392)

Claim 5

Renz in view of Frederick and Liff and Examiner's Official Notice fail to disclose further comprising receiving barcode information form a scan of the barcode at the restocking

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location after receiving the shipment and update the second quantity of items stored at the restocking storage location.

However Lester discloses receiving barcode information from a scan of barcode once an order is received at a location and updating the quantity of items stored at the at the location (see at least, col. 2, lines 54-col. 3, lines 5: the examiner notes the barcodes may be scanned to track what drugs and quantities arrived).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Renz in view of Frederick and Lunak and Examiner's Official Notice to include receiving barcode information from a scan of barcode once an order is received at a location and updating the quantity of items stored at the at the location as taught by Lester. One of ordinary skill in the art would have been motivated to combine the teachings in order to track the items received at a given location (see at least, Lester, col. 2, lines 54-col. 3, lines 5).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asfand M Sheikh/
Examiner, Art Unit 3627
10/19/2010